

Applicants: Gary Brian Evans, et al.
Appl. No.: 10/524,995
Filing Date: September 27, 2005

REMARKS

Claims 1-9, 11-18, 20-25, 27 and 29-31 were pending in the subject application. By this amendment, Claim 22 has been canceled without prejudice or disclaimer, and Claims 1, 25 and 27 have been amended. Applicants maintain that the amendments do not raise an issue of new matter. Support for the amendments can be found at least in the previous version of the claims. Accordingly, entry of the amendments is respectfully requested.

Summary of May 13, 2008 Telephone Interview

The undersigned attorney telephoned Examiner Moore on May 13, 2008 to clarify the outstanding rejection of Claim 1 as lacking antecedent basis for the feature E is CH. The Examiner clarified that the rejection should have indicated that E = CH is non-elected subject matter, since applicants had previously elected, in reply to a restriction requirement, to prosecute Group I, i.e. Claims 1-9, 11-18, 20-22, 23(part) and 24-28, drawn to compounds of formula (I), wherein pyrrolo[3,2-d]pyrimidines are formed, compositions and methods of intended use are embraced.

Applicants' undersigned attorney concurs with the Examiner's Interview Summary mailed on May 19, 2008.

Allowable Subject Matter

The Examiner indicated that the subject matter of Claims 23 and 29-31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Rejections under 35 U.S.C. §112, Second Paragraph

1. Claims 27 is rejected under 35 U.S.C. §112, second paragraph, because the Examiner considers that the term “arthritis” is indefinite. Applicants have herein above amended Claim 27 so that the claim no longer recites “arthritis” thereby rendering this rejection moot.

2. Claims 1-9, 11-18, 20-22, 24-25 and 27 are rejected under 35 U.S.C. §112, second paragraph, because the Examiner indicated that the specification does not indicate what the possible substituents are in an “optionally substituted alkyl, aralkyl or aryl group.”

Applicants have amended the claims so that the definitions of R, R³, R⁴, R⁵, R⁶ and R⁷ no longer recite “optionally substituted.”

The definition of variable Z has been amended to recite “Z is selected from hydrogen, halogen, hydroxy, SQ, OQ and Q, where Q is an alkyl, aralkyl or aryl group, where the aryl group is optionally substituted” where it is meant that both the aryl group can be optionally substituted and/or the aryl of the aralkyl group can be optionally substituted. Applicants note that substitution of the aryl group of Q is exemplified in the Tables on pages 19 and 55 of the specification. In addition, examples of possible substituents can be found in Claim 1 in the definitions of variables B and D, where B and D are substituents on a ring structure. Applicants maintain that one of ordinary skill in the art would understand what possible substituents for an aryl group can be and can determine that an aryl group is substituted, and thus that the metes and bounds of the claim are clear. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

3. Claims 1-9, 11-18, 20-21, 24-25 and 27 were rejected under 35 U.S.C. §112, second paragraph, because the Examiner had previously indicated that there is

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insufficient antecedent basis for the limitation "CH" in the definition of E in Claim 1. As indicated above, the Examiner has since clarified that this rejection should have indicated that E = CH is non-elected subject matter.

Applicants have herein above amended Claim 1 so that the claim no longer recites "CH" in the definition of E, thereby rendering this rejection moot. Dependent Claim 22 has been canceled since this claim recited "where E is N" and thus no longer further limited amended Claim 1.

Rejections under 35 U.S.C. §112, First Paragraph

Claim 25 and dependent Claim 27 are rejected under 35 U.S.C. §112, first paragraph, as not enabled. The Examiner indicated that the claims covered both treatment of diseases and simultaneous inhibition [of purine phosphoribosyltransferase, purine nucleoside phosphorylase, 5'-methylthio adenosine phosphorylase, 5'-methylthioadenosine nucleosidase and/or nucleoside hydrolase].

Claim 25 has hereinabove been amended to recite:

A method of treating a subject comprising administering a compound as claimed in claim 1 to the subject, wherein the subject has a cancer, a bacterial infection, a protozoal infection, a T-cell mediated disease or a transplant rejection.

Claim 25 as amended does not require treatment of diseases or inhibition. Rather, the claim is directed to treating a specified subject with a compound of Claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

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CONCLUSIONS

In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of the rejections in the March 18, 2008 Final Office Action and passage of the pending claims to allowance are respectfully requested. If there is any minor matter preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

A check for \$810.00 is enclosed for the fee for filing a RCE. No additional fee is deemed necessary in connection with the submission of this reply. However, if any other fee is required with this reply or to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785.

Respectfully submitted,
AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

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New York, New York

By 
Alan D. Miller, Reg. No. 42,889